

# **EXHIBIT B**

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22 CASE: John Doe V. Princeton

23

24 DATE: November 26, 2024

25

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15 COURT REPORTER'S NAME: Melissa Lumi.

16 FIRM NAME: Veritext

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1       UNITED STATES DISTRICT COURT  
2       FOR THE DISTRICT OF NEW JERSEY

3 X-----X  
4       JOHN DOE,                   : REMOTE  
5                                    : VIDEOTAPED  
6       Plaintiff,                : DEPOSITION OF:  
7                                    :  
8       vs.                        :  
9                                    :  
10      PRINCETON UNIVERSITY,    : MICHELE MINTER  
11                                    :  
12      Defendant.                :  
13                                    :  
14      X-----X

10 C O M P U T E R I Z E D   T R A N S C R I P T  
11       of the stenographic notes of the proceedings in  
12       the above-entitled matter as taken by and before  
13       MELISSA J. LUMI, a Certified Court Reporter, No.  
14       30X100237000, and Notary Public of the State of  
15       New Jersey, taken remotely, on November 26, 2024  
16       commencing at 9:30 in the forenoon.

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8 consolidated all of that into one policy and 1061

9 handled it all out of my office as of 2014.

10 Q. Okay. So were there different --

11 before then, were there different -- well let me

12 sort of separately distinguish sort of policies

13 which may define sexual conduct is, sort of set

14 the rules that students have to follow versus

15 sort of the procedures that would be used to

16 investigate claims of a policy violation. So

17 prior to this time were there different policies

18 within the school, in terms of, like, what

19 constituted sexual harassment or sexual

20 misconduct?

21 A. In terms of the definitions of

22 policy violations, no. They all worked from the

23 same set of definitions, which they had slightly

24 different procedures that they would have used,

25 you know, faculty had slightly different rights

21

1 under -- for appeal, for example, and so on. So

2 -- and each handled their own -- handled the

3 investigations in their own process. So, yes, I

4 would say there were some procedural different

5 but the underlying principals were the same.

6 Q. Okay. Okay. And then -- but so

7 after 2014, the investigations were all conducted

8 essentially by this -- by would you call it the

9 title the office or -- what would you call it?

10 A. Well, its precise name is the

11 Office of Gender Equity and Title IX

12 administration. Shorthand you can call it the

13 Title IX office.

14 Q. All right. Okay. I'll do that

15 today, but understanding that it has a longer

16 title. Okay. Okay. So they were all run

17 centrally after 2014. And I understand that one

18 of the other changes that came about in 2014 was

19 the change in the standard of proof for Title IX

20 cases. Was that part of the resolution agreement

21 as well?

22 A. Yes, it was.

23 Q. Okay. And so what was it before

24 the resolution agreement went into effect?

25 Q. It was largely clear and

22

1 convincing, which was the standard for -- well,

2 and let me be more precise about that. It

3 depended. For students, it was clear and

4 convincing. For employees and -- which includes

5 faculty, it was already preponderance?

6 Q. Okay. All right. And so part of

7 the resolution agreement was requiring that

8 preponderance be used for undergraduate students

9 as well. Basically for everybody. 1063

10 A. Yes, for undergraduate and

11 graduate students, yes.

12 Q. And what had been the reason for

13 having a different burden of proof for

14 undergraduate students before 2014?

15 MS. BERMAN: Objection. Form.

16 Foundation.

17 Q. So she'll -- for record keeping

18 purposes, we make objections as we go so that

19 down the road we can say, oh, I think this

20 question was unclear, for instance, or whatever,

21 but as long as she tells you -- as long as she

22 doesn't say don't answer that question, after she

23 makes the objection you go ahead and answer, and

24 -- yeah.

25 A. Okay. Now I've -- could you state

23

1 the question again?

2 Q. Yeah, yeah, yeah. Sure. No

3 problem at all. Just what the reason was for

4 having the different standard of proof for

5 undergraduate students compared to the rest of

6 the community.

7 A. To be clear, it was for all

8 students, undergraduates and graduate students.

9 Q. Okay. Got it.

10 A. This predates me, but because the  
11 standard of proof in other disciplinary matters  
12 for all knowledge graduate matters was clear and  
13 convincing, there was a consensus at that time  
14 that that was the appropriate standard to use,  
15 and that it would be challenging to maintain two  
16 different standards in one disciplinary system.

17 Q. Okay. Okay. Okay. And were  
18 there other changes that Princeton made, I guess  
19 to the way it resolved student cases as a result  
20 of the 2014 resolution agreement?

21 A. Well, there were -- I mean, there  
22 were fairly significant shifts in the process,  
23 right, there was a completely new policy drafted,  
24 things were moved to another office. The  
25 investigators -- the previous process had used a

1 kind of committee structure, the committee on  
2 discipline to handle these cases. So it was a  
3 fairly dramatic procedural shift in the process.

4 Q. Yeah. And so the committee  
5 system, that's a -- I'm just a little familiar  
6 with it, but that's basically like a live hearing  
7 structure into -- for adjudicating cases?

8 A. Yes, yes, so that used a live  
9 hearing, it involved faculty and students as the

11 Q. I see. Okay. And so part of the  
12 resolution agreement was moving away from that  
13 structure to the structure that we had in the  
14 case that we're dealing with here, where the --  
15 and I'll just summarize it as I guess the  
16 investigators conduct the investigation and then  
17 also make a determination on responsibility or  
18 not.

19 A. Correct.

20 Q. Okay. So that was part of this  
21 change in 2014.

22 A. Yes.

23 Q. Okay. Okay. And then you said  
24 that the makeup of the adjudicators, that's --  
25 that was another change that occurred that was

25

1 part of this resolution agreement?

2 A. Yes. The resolution agreement  
3 required us to put a new policy in place and OCR  
4 approved that policy. So, yes, it was part of  
5 the new policy.

6 Q. Right. Okay. And did they  
7 specifically say you can't have -- I think you  
8 said for the committees structure, the panels are  
9 mixes of administrators and students.

10 A. Yes.

11 Q. Okay. Did they say that that's --

12 you guys can't do that for Title IX? You have to

13 only have -- you cannot have students on these --

14 your Title IX panels.

15 A. I don't remember whether that was

16 a requirement.

17 Q. Okay. Do you recall any

18 discussions about why, like -- were you involved

19 in these -- I assume that as the head of this

20 office you were involved in the discussions with

21 OCR for the back and forth that led to the

22 resolution agreement?

23 A. Yes.

24 Q. Yeah. What was -- what was OCR's

25 reason for insisting that you -- Princeton not

26

1 use a live hearing to resolve sexual

2 misconduct claims?

3 MS. BERMAN: Objection. Form.

4 Foundation.

5 A. OCR did not require that. I mean,

6 so it wasn't OCR saying that we couldn't use a

7 live hearing. OCR provided guidance and there

8 were a range of options as to how colleges and

9 universities could meet that guidance. So it was

10 not a requirement of OCR that we not have a live

12 Q. Okay. Well, you had had a live  
13 hearing for, I guess for as long as you had been  
14 there starting in 2011, and it was only in  
15 response to this OCR investigation that Princeton  
16 changed its structure. But you're saying that  
17 was -- it had nothing to do with any preference  
18 from OCR about how they wanted Princeton to  
19 structure its Title IX office?

20 A. Correct. OCR did not tell us how  
21 we should comply. There is still significant  
22 deference under the guidance to -- to appropriate  
23 institutional models. That -- you know, it was  
24 Princeton that made a decision about what it  
25 believed to be the right way to structure its

27

1 procedures. We weren't -- we were not mandated  
2 to do that by OCR.

3 Q. Yeah, but, like, I mean, did you  
4 feel some level of pressure? I mean, did you  
5 get the sense that OCR preferred the system that  
6 Princeton would adopt over something like a live  
7 hearing?

8 A. No.

9 Q. So was it just coincidence that  
10 Princeton made this change while they were under  
11 OCR investigation?

12 MS. BERMAN: Objection. Form.

13 Foundation.

14 A. It wasn't a coincidence. At the  
15 time, given that we were going to be entering  
16 into a resolution agreement and were going to  
17 revise our policies and create a new office, we  
18 took it as an opportunity to try and develop what  
19 we believed would be a good best practice model  
20 for -- for -- for doing the work.

21 Q. So what was it that -- what was it  
22 that OCR said Princeton was doing wrong that sort  
23 of occasioned the hole investigation?

24 MS. BERMAN: Objection. Form.

25 Foundation.

1 A. OCR's judgment was that Princeton  
2 should have shifted its undergraduate cases to  
3 the preponderance standard.

4 Q. Okay. So they didn't care as much  
5 about the structure so much, they were more  
6 concerned about the burden of proof?

7 A. Yes.

8 Q. And OCR was telling you that the  
9 burden of proof was contrary -- was like illegal  
10 or was somehow, like, contrary to Title IX?

11 A. Well, at the time, OCR was putting

12 out guidance, it did not issue regulations. But 1069

13 it was treating its guidance as extremely

14 serious, and so its position was that Princeton

15 should have adjusted to its guidance.

16 Q. Okay.

17 A. Regarding that matter.

18 Q. Right. Right. So kind of telling

19 you, like, well this is -- this is just guidance,

20 guys, but we're going to conduct a big -- I mean

21 like how -- my understanding is that they are

22 fairly, like -- this is like a like have probing

23 into your affairs, like they would look at three

24 years worth of data, you know, obviously you have

25 to have counsel to kind of guide you through all

29

1 of this. Like this is a pretty big hassle slash

2 undertaking to be under OCR investigation. Is

3 that -- that seems fair, I would think. I can

4 see you nodding.

5 A. It's a lot of work. They have a

6 job to do, and it's appropriate that they do it

7 but it is a lot of work, yes.

8 Q. Yeah. Yeah. Right. And, I mean,

9 do you recall at the time that the head of OCR

10 making statements about, you know, we --

11 essentially saying we are willing to go after

12 school's federal funding if we feel like they're

13 not in compliance with Title IX?

14 A. Yes. Catherine Laaman, who was

15 leading OCR at that point, did make some very

16 strong statements about her intention to hold

17 schools accountable.

18 Q. Yeah. Yeah. And do you recall

19 OCR stating that -- I think a direct quote was

20 that they, quote, strongly discouraged life cross

21 examination in Title IX proceedings?

22 A. I don't remember that quote

23 specifically.

24 Q. Okay. All right. Do you remember

25 -- so there was a 2011 "Dear Colleague" letter

30

1 and then there was also -- do you recall that in

2 2014, there was a -- they published something

3 called a questions and answers on Title IX?

4 A. Yes, I remember that.

5 Q. Okay. Great. And I see you

6 nodding but, like, for the -- they'll tell you

7 they need like a verbal answer, which is why I'm

8 waiting to he -- in normal conversation I would

9 just keep going, but, yeah, okay. I'll just

10 represent to you that in one of those documents

11 and as we sit here I frankly don't remember which

12 of the two it is, but that in one of those two

13 OCRs said that they, quote, strongly discouraged 1071

14 schools from using live cross examination in

15 Title IX cases.

16 So, you know, given the way they

17 had been treating their guidance, I mean, I think

18 as you sort of suggested, it was guidance in name

19 but they were strongly suggesting to you that you

20 should get rid of the preponderance of evidence

21 standard. So it would make sense that at that

22 time, and maybe you don't specifically remember

23 it, but it would make sense they would also

24 strongly suggest you should get rid of live cross

25 examination, too. Like would that make sense?

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1 MS. BERMAN: Objection. Form.

2 A. Just to correct, you said they

3 were encouraging us to get rid of the

4 preponderance standard. They were encouraging us

5 to use the preponderance standard.

6 Q. I'm sorry, yes.

7 A. Yes, I don't recall the substance

8 of that FAQ very well, after this amount of time,

9 but, yes, they -- we certainly took seriously

10 their guidance.

11 Q. Yeah. So if they had said -- and

12 again just for purposes of the question I'll just

13 ask you to assume it because I don't remember

14 which document it's in, that they strongly  
15 discouraged live cross examination. So that  
16 would be -- that would weigh into your  
17 consideration about should we continue with a  
18 process that has live cross examination or should  
19 we adopt a process that they're more comfortable  
20 with.

21 A. Yes, I'm sure that that would have  
22 been a consideration.

23 Q. Okay. To date, do you recall any  
24 explanation about why they -- and this might be  
25 getting too far into the weeds from something

32

1 that was ten years ago, but do you recall any of  
2 there explanation about why a clear and  
3 convincing evidence standard was not consistent  
4 with Title IX in their view?

5 A. My recollection is that there was  
6 concern that it would be chilling, that it would  
7 cause complainants to be less willing to come  
8 forward. Hard stop. I think that was the reason  
9 that I -- that they were expressing.

10 Q. Okay. And so in response -- so  
11 when you -- after the resolution agreement was  
12 entered into, did Princeton -- Princeton did -- I  
13 mean I think I know the answer to this, did

14 Princeton change the burden of proof that it used<sup>1073</sup>

15 in other student discipline matters or did it

16 leave that at the clear and convincing evidence

17 standard?

18 A. For other matters it kept the

19 clear and convincing standard. Yes.

20 Q. So then I guess jumping forward,

21 as you I'm sure recall in 2017, the "Dear

22 Colleague" letter, the 2011 "Dear Colleague"

23 letter was rescinded and government announced it

24 would be going through like a formal rule making

25 process for Title IX matters. Do you recall that

33

1 time?

2 A. Yes.

3 Q. Okay. Yeah, more than I want to

4 probably. And, you know, part of what was

5 announced there was that schools would now have

6 the option of using the preponderance of the

7 evidence standard but would not be required to

8 use it. They could also use the clear and

9 convincing evidence standard. Were there

10 discussions at Princeton about whether you should

11 revert back to the standard that Princeton had

12 used before that resolution agreement and was

13 continuing to use in any other kind of student

14 discipline matter?

15 MS. BERMAN: Objection. Form.

16 A. My recollection is that they gave  
17 us the option but that we had to be consistent  
18 across matters. So we couldn't use -- if we were  
19 going -- let me just stop there. We -- we did  
20 look at it briefly, but our sense was that the  
21 process was working fairly and appropriately and  
22 that the swinging back and forth of the policy  
23 and the framework was challenging for the  
24 community to understand and -- and of course then  
25 you would have to retrain everyone who was

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1 involved. So our goal was to minimize those kind  
2 of shifts. We had -- I had switched to  
3 preponderance as we had be required to, it was  
4 working well, we felt that the system was fair.  
5 So we decided to stay with it.

6 Q. I guess my question is just about  
7 that -- that change. You know, since that was  
8 the one that had occasioned the OCR  
9 investigation, was like they were basically  
10 saying this is the problem that you guys need to  
11 fix.

12 A. Uh-huh.

13 Q. After the "Dear Colleague" letter  
14 was rescinded and especially after the new regs

15 were put in place giving schools permission to 1075

16 use a different standard, I guess Princeton could

17 have just changed that part of the policy if it

18 had wanted to. Like it wouldn't mean to have,

19 like, wholesale adopted its pre-2014 system at

20 that point. Right?

21 A. Correct.

22 Q. So was there a discussion about

23 changing just the burden of proof back to the old

24 burden of proof before OCR swooped in and the one

25 that Princeton continued to use in all of the

35

1 other student discipline cases?

2 MS. BERMAN: Objection. Form.

3 A. There was discussion, as I said,

4 but there was a decision that we should stick

5 with the preponderance standard, it was working

6 well, we believed it was producing fair outcomes,

7 the community understood it, and it was actually,

8 although it was not consistent with other student

9 disciplinary cases, it allowed for a consistent

10 policy across all campus populations because that

11 had been the standard always used for faculty and

12 staff. So it allowed this policy to be

13 consistent and coherent and given that we

14 believed it was producing fair outcomes, we

15 didn't see a reason to switch back.

16 Q. And you said the community  
17 understood it as one of the reasons you thought  
18 it was better to just kind of keep it in place,  
19 but they also would have understood the clear and  
20 convincing evidence standard since it was being  
21 used in a bunch of other areas, too. Correct?

22 A. Yes.

23 Q. All right. And so then I guess  
24 maybe the other point then you said was that you  
25 thought it was producing fair outcomes. How did

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1 you guys -- how do you -- how do you arrive at  
2 that determination that we think this is  
3 producing fair outcomes?

4 A. That's a judgment call, of course.

5 Basically, you know, that's -- part of the  
6 process is that there is a right of appeal. If  
7 the appeals committee is generally upholding the  
8 outcomes, it suggests that the cases are making  
9 sense to them as they're -- as they are reviewing

10 them, and so that's one of our tests is the --  
11 and of course the appeals committee will have  
12 moments when it remands something or it raises a  
13 question. That's also an appropriate part of the  
14 process, but, in general, it appears -- my  
15 feeling was that the cases were going -- were --

16 the process was being followed properly, that the 1077

17 appeals committee was generally comfortable with

18 the way the process was taking place, but it's a

19 judgment call.

20 Q. Okay. And I know there were, like

21 -- like, for instance, into '19 there were large

22 demonstrations on campus, I refer to them as the

23 PIXR process, I don't know if that's a formal

24 name, but if I say that --

25 A. I know.

1 Q. -- you know what I'm talking

2 about. Okay. Great. So there have been --

3 there and I imagine you've seen in the daily

4 Princetonian a lot of voices advocating for ways

5 to make the systems more, I don't know what the

6 -- like more appropriate and easier for parties

7 to go through, you know, asking Princeton is

8 there any more cognizant of the difficulty of

9 going through -- of reporting sexual misconduct

10 of going through a Title IX process, and did you

11 have discussions, like, around that time with,

12 like I representatives of those groups? I know

13 they were sort of calling for some pretty serious

14 changes, as I discussed a little bit with Regan,

15 she was specifically called out for that, but do

16 you recall sort of around this time having

17 discussions with them about -- about the process  
18 what the most appropriate ways to support  
19 complainants consistent with the policies that  
20 were in place?

21 A. Yes. There was a committee put in  
22 place that met a number of times with activists  
23 in order to understand there concerns, they also  
24 wrote demands and so on. So I didn't meet with  
25 them one-on-one, but there was a committee

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1 structure that was put in place in order to try  
2 and understand their concerns and think about  
3 what would be appropriate in terms of  
4 institutional response.

5 Q. Okay. But that committee would --  
6 you would -- would they report up to you, sort of  
7 say like this is what we're hearing from them,  
8 these are the changes they want, and, I mean, is  
9 this part of the -- I guess I'm just sort of  
10 globally getting a sense of like when you say we  
11 just had a sense or had to make a judgment call,  
12 you know, like what the sources of information  
13 were that you were hearing and maybe, you know,  
14 filtering out, agreeing with part of it, not  
15 agreeing, like these streams of information  
16 coming at you is what I'm wanting to learn about.

17 MS. BERMAN: Objection. Form. 1079

18 Michele, try to let me remember to object before

19 you --

20 THE WITNESS: Oh, sorry. Thank

21 you.

22 A. So the -- that committee that

23 worked in response to that specific period of

24 activism was sort of a combination of two

25 standing committees. One which was convened by

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1 my office and another which was convened by

2 campus life which worked together so it was

3 referred to as the joint committees. Princeton

4 uses a lot of governance structures in order to

5 do its work. So it convenes, working groups or

6 committees who are actually appointed to act as

7 representatives of the community. So there is a

8 lot of feedback from the community in order to

9 make decisions and to do the discernment around

10 exactly how -- how Princeton policies should be

11 structured and how they should work, and to

12 create accountability, if there were some concern

13 rage. So in that case, the two committees

14 jointly met and worked, they were chaired by

15 Rochelle -- by Rochelle Calhoun, I think the vice

16 president for campus life, and then I'm

17 remembering correctly a graduate student and an

18 undergraduate student. I think that's correct.

19 So there were three co-chairs. So they were

20 working together to respond to the concerns that

21 were being raised. I was involved, I provided

22 information to them, Regan Crotty provided

23 information, they could gather information

24 independently as well.

25 Q. Okay. And did these groups -- I

40

1 mean, it's hard to know, I guess, at some level,

2 but did they feel like they had be heard and that

3 you were considering that Princeton was

4 considering giving due consideration to the

5 requests that they had and the concerns that they

6 were raising?

7 A. You mean the activists?

8 Q. Yes. Yes.

9 A. I think they felt heard. I'm not

10 convinced that they thought they had gotten

11 everything they wanted, but I -- I believe they

12 felt heard, yes.

13 Q. Yeah, well, Ms. Crotty remained

14 employed, so they certainly didn't get everything

15 they wanted. Okay. But did you, for your part,

16 you know, give consideration to the concerns they

17 had raised as you decided, you know, how do we

18 move forward with our Title IX regime? 1081

19 A. Yes. Certainly. I did not agree

20 with some of the things that the activists

21 expressed. I don't -- I think there were

22 misunderstandings in there understanding of how

23 the policies work and so on, and some

24 misrepresentations that they made along the way.

25 But I believe they were acting in good faith, and

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1 I think there are always opportunities in a

2 moment of activism to think about what can be

3 learned, and we did make some adjustments,

4 particularly in our materials for the benefit of

5 both parties, complainants and respondents, to

6 help them have greater clarity around the pathway

7 through the process just to make things a little

8 more transparent for them and so on. So we did

9 add some additional materials on the web, some

10 additional FAQs and so on in order to help make

11 the process for all parties easier to understand.

12 That was one of the lessons, WAS that they were

13 -- it's a demanding process and they were

14 struggling to understand it.

15 Q. Okay. So do you think their

16 concerns were fundamentally disrooted and

17 misunderstandings about how the process worked or

18 did they actually have, like, any substantive

19 criticisms of the process that you thought, yeah,  
20 you know what, they're actually right about that,  
21 maybe we should change that?

22 A. I think it was the former. Yeah.

23 I would say the former.

24 Q. Okay. So just some very serious  
25 well-intentioned but ultimately just genuine

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1 misunderstandings about how the process worked,  
2 not any valid criticisms of the -- if they had  
3 understood it their criticisms wouldn't have been  
4 valid.

5 A. I'm not quite prepared to say  
6 that. I think that they were -- there were some  
7 misunderstandings, but I also think there  
8 critique of -- the difficulties that they were  
9 expressing in understanding certain aspects of  
10 the process; for example, their claims this that  
11 they -- yes, they were told things and they could  
12 read them in the policy but they didn't really  
13 understand them, I think those were valid, and  
14 expressed in good faith, and sometimes it takes  
15 more than one way to express things in order to  
16 help, you know, people understand complicated  
17 things. So adding in additional resources, for  
18 example, is valid.

19 Q. Yeah. One of the -- well, and 1083

20 then the -- okay. And I think at the end of the  
21 process there were -- well, there were two  
22 different reports or like studies that Princeton  
23 commissioned. Is that what you're referring to  
24 when you say that there were two committees who  
25 sort of met with the students and filtered

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1 information up to you? Are those the same  
2 groups that produced the reports, or is that,  
3 like, a separate thing?

4 A. There were two completely separate  
5 processes. So there were two campus committees  
6 that worked together to create the joint  
7 committee that may issue one of the reports.

8 There was also an external review which was  
9 commissioned by the provost at my request which  
10 did a privileged review of our program. So  
11 that's a separate report.

12 Q. And what -- like how did those  
13 reports factor into your sense of what's  
14 appropriate in our process and whether we should  
15 make any changes to our process?

16 A. Uh-huh. I found both of the  
17 reports to be helpful. It is good to have  
18 feedback about how people are experiencing  
19 things, and as I said, I requested the external

20 review, I think it's fine and appropriate best  
21 practice to get an external perspective  
22 periodically in one's program. So I think those  
23 -- those insights were informative for us.  
24 Q. And did you talk -- in making  
25 these decisions about, you know, once the old --

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1 the "Dear Colleague" letter is gone, the new  
2 regulations are coming out, did you talk to any,  
3 I'll call them pro-respondent groups as you  
4 weighed how Princeton should move forward and  
5 what kind of system it should use to resolve  
6 Title IX claims?

7 A. Umm...we did not have a  
8 pro-respondent group on campus.  
9 A. So, no, we did not talk to  
10 activists on campus who were kind of organized as  
11 a pro-respondent group. We certainly followed  
12 the national conversation closely and there were  
13 a number of national organizations that had a  
14 pro-respondent stance, and we read all of the  
15 material, all of the back and forth going on in  
16 the national conversation about that, but we  
17 didn't have a group on campus advocating  
18 specifically in a pro-respondent way.  
19 Q. Okay. Did you solicit any

20 information from the community about whether 1085

21 there are -- I guess I understand there wasn't a  
22 group sort of coming to you in the way that,  
23 like, PIXR was protesting, you know, for the -- I  
24 guess the pro complainant side of things. Did  
25 you solicit this kind of information from the

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1 community as you guys were weighing the path  
2 forward?

3 A. We routine -- I would say once a  
4 year or so would meet with the undergraduate  
5 student government, the USG, and the graduate  
6 student government, the GSG, and at least once a  
7 year with the council of the Princeton University  
8 community which was the CPUC. Those are all  
9 bodies which involve students who are elected as  
10 representatives. So we certainly were hearing  
11 from them and eliciting their opinions, and there  
12 were, during those years, there was a climate  
13 survey specifically focused on sexual misconduct,  
14 and each time the survey results were released,  
15 we would hold town halls so that people could,  
16 you know, ask questions, express whatever they  
17 were feeling. So I think we had a number of  
18 mechanisms by which we were eliciting student  
19 input, but it wasn't specific to saying we want  
20 to hear from respondents.

21 Q. Uh-huh. From like a

22 pro-respondent side of things.

23 A. Correct.

24 Q. Do you recall that one of PIXR's

25 demands was the, quote, medicine

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1 departmentalization of the program and gender and

2 sexuality studies, as a, quote, key step in

3 challenging dominant paradigms of toxic

4 masculinity, homophobia, transphobia and

5 gender-based violence on campus?

6 A. I do recall that.

7 Q. Okay. And what weight did you

8 give to the idea that toxic masculinity was one

9 factor that was affecting Princeton's

10 implementation of its Title IX policy?

11 MS. BERMAN: Objection. Form.

12 Foundation.

13 A. None. That's -- our process is --

14 treats both parties in the same way. It doesn't

15 make any presumptions about who is the

16 complainant, the gender of the complainant or the

17 gender of the responsible department. You know,

18 that's -- student activists is a what they want

19 to say but that doesn't have any relevance in our

20 process.

21 Q. Right. So apart from it affecting 1087

22 the implementation of the process, like, did you  
23 agree with them that, like, toxic masculinity was  
24 one of the root causes of sexual misconduct that  
25 the policy had to address?

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1 A. No. No. We don't -- it is not  
2 our role under the policy to, you know, make kind  
3 of sociological determinations about the  
4 underlying causes of sexual misconduct. And  
5 again, our policy is gender neutral. It does not  
6 -- we don't talk about concepts like toxic  
7 masculinity in our process. It's just not --  
8 it's not our framework.

9 Q. So do you believe -- what do you  
10 understand by the phrase "toxic masculinity"?

11 MS. BERMAN: Objection. Form.

12 A. What do I understand is intended  
13 by that statement?

14 Q. Yeah, like we've been using it but  
15 what's your understanding of what toxic  
16 masculinity is?

17 A. I understand it to be a theory  
18 that -- it's pretty unclear, I think to some of  
19 us what is intended by it. I think it could mean  
20 lots of things, but I understand it to mean that  
21 those who use it mean that there is something

22 inherently or the -- that men are socialized to  
23 behave in ways that could be problematic or toxic  
24 and that that is bad.

25 Q. And doesn't a -- I mean, doesn't a

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1 Title IX office should -- it's concerned with not  
2 just resolving claims of sexual misconduct but in  
3 trying to minimize the occurrence of sexual  
4 misconduct on campuses as well. Right?

5 A. Yes.

6 Q. Okay. So in order to do that,  
7 don't you have to sort of consider what you think  
8 the root causes of sexual misconduct are in the  
9 first place?

10 A. Yes. But our role in that is --  
11 is to -- we focused in much more on information  
12 that is identified through our data at a more  
13 tactical and logistical level. So what does our  
14 data show about the relationship between alcohol  
15 use and incidence of sexual misconduct, what does  
16 our data show about it locations in which -- or  
17 the times of year in which sexual misconduct  
18 takes place. We are far more focused on those  
19 kind of preventive measures and helping students  
20 develop good judgment and so on. We don't focus  
21 in on the sort of theories about why people

22 behave the way they behave. 1089

23 Q. Well, if certain views of  
24 masculinity or the way that men should -- can and  
25 should relate to women are a part of what lead to

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1 sexual misconduct in some cases, why wouldn't it  
2 be appropriate to address that through training  
3 sessions or in some other way with students?

4 MS. BERMAN: Objection. Form.

5 Foundation.

6 A. To be clear, the Title IX offices  
7 is -- focuses in on preventing sexual misconduct  
8 in fairly tactical ways. The share office, which  
9 is a completely independent office, is more  
10 focused -- and also there's a sexual health  
11 office connected to the university health  
12 services, they are more likely to be focused on  
13 helping to develop healthy norms on campus and so  
14 on. And I'm not saying that they focus on things  
15 like toxic masculinity. I'm saying but they are  
16 the offices that work with students around  
17 developing healthy norms, developing healthy  
18 understandings of their own sexual behavior and  
19 so on. We don't do that kind of training in the  
20 Title IX office. That is -- is not our role.

21 Q. Do you recall that the  
22 recommendation of one of the reports that was

23 commissioned, you know, like you mentioned there  
24 was an external report and there was an internal  
25 report in response to the PIXR protests, that one

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1 of the recommendations was to hold training  
2 sessions for students on, quote, toxic  
3 masculinity?

4 A. Are you saying one of the  
5 recommendations made by the activists or one of  
6 the recommendations made by the report?

7 Q. By the reports.

8 A. I don't remember that.

9 Q. Okay. But that would suggest that  
10 one of the things you can -- you testified  
11 earlier, you know, obviously you considered these  
12 reports as you thought about the way forward and  
13 picking the right system for Princeton. Doesn't  
14 that suggest that, like, these ideas do influence  
15 the kind of structure that the school should  
16 adopt?

17 A. I don't think that our process is  
18 -- is influenced by those kind of consents. Our  
19 process is designed to be scrupulously equal to  
20 both parties, and it doesn't make any assumption  
21 about the gender of the parties. I would view  
22 that recommendation -- which I don't remember, I

23 haven't read that report in a few years, as being 1091

24 something that might have been taken up by one of

25 the other offices that works on sort of questions

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1 of social norming, for example. Like the share

2 office, but I don't believe that it had an -- I

3 don't see how it would have affected our process.

4 Our process is not designed in that way.

5 Q. Well, if there's a belief that men

6 intend to be brought up with certain views of how

7 to relate to women sexually, why wouldn't that

8 affect for instance an investigator's view of a

9 male student's testimony when he's talking about

10 why he thought certain external actions by the

11 female student indicated consent to him?

12 MS. BERMAN: Objection. Form.

13 Foundation.

14 A. So our investigators are trained

15 to be really attentive to those kind of sex

16 stereotypes. They are -- they're not appropriate

17 in our process. They are trained on unconscious

18 bias. So we would not want those kind of

19 theoretical frameworks influencing our

20 investigators. That would undermine their

21 objectivity.

22 Q. Okay. So your view, if an

23 investigator believed in toxic masculinity or

24 believed that toxic masculinity was prevalent and

25 was likely to influence the thinking of a male

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1 respondent, their training would be that you need

2 to disregard that -- even if they think it's

3 actually true, you need to disregard that belief

4 in order to fairly judge the case in front of

5 you. Do you agree with that?

6 A. Yes. The instructions and the

7 training of the panels are to focus on the facts

8 before them and they are trained to do that in a

9 way that avoids that kind of sex stereotyping.

10 Q. Okay. Can you elaborate on that?

11 Like how does the training help the investigators

12 and decision makers to root out sort of

13 unconscious bias or unconscious sex stereo

14 typing?

15 A. So to be clear, I do not

16 participate often in the training. So there are

17 others, the Title IX coordinator, who could

18 provide much more detail about exactly how the

19 trainings unfold, but in general, if you want to

20 avoid unconscious bias or indulging in those kind

21 of sex stereotypes, the process is to slow down,

22 be very clear about -- so that you're avoiding

23 kind of the cognitive short cutting that can